

### **Remarks/Arguments**

Claims 1-20 are pending in this Application. In the Office Action mailed June 24, 2004, the Examiner:

1. rejected Claims 2-5, 10-13, 18 and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite;
2. rejected Claims 1-6, 9-14, and 17-20 under 35 U.S.C. § 102(b) as being unpatentable over Curtis (US Patent No. 5,778,490); and
3. rejected Claims 7, 8, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Curtis in view of Eichenberger (US Patent No. 4,930,182).

Applicant respectfully addresses the basis for each of the Examiner's rejections below.

#### ***Claims Rejection – 35 U.S.C. § 112, second paragraph – Claims 2-5, 10-13, 18 and 19***

In numbered paragraph 1, the Examiner rejected pending Claims 2-5, 10-13, 18 and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims are said to recite “a clocking feature” which is indefinite.

Applicant respectfully submits amended Claims 2-5, 10-13, 18 and 19, in which “the clocking feature” recitation is replaced by functional statements and/or structural limitations of the claimed subject matter regarded as the invention. The amendments are believed to obviate the rejection set forth under 35 U.S.C. § 112, second paragraph. As such, Applicant respectfully requests entry and allowance of amended Claims 2-5, 10-13, 18 and 19. Applicant has also amended Claims 6 and 14 as to matters of form in compliance with 35 U.S.C. § 112 and respectfully requests their entry and allowance.

#### ***Claims Rejection – 35 U.S.C. § 102(a) – Claims 1-6, 9-14, and 17-20***

In numbered paragraph 2, the Examiner rejected pending Claims 1-6, 9-14, and 17-20 under 35 U.S.C. § 102(b) as being unpatentable over Curtis (US Patent No. 5,778,490). It is said that:

Curtis discloses the claimed spring tensioning mechanism including a support bracket 20, inboard and outboard plates 22, 26, a spring 16, an axle 12, and a drum 14.

Applicant respectfully submits amended Claims 1, 9 and 17, claims from which Claims 2-6, 10-14 and 18-20 depend. Claim 1, 9, and 17 have been amended to claim an inboard plate "*rotatable relative to the outboard plate*." Because Curtis does not teach an inboard plate rotatable relative to the outboard plate, Curtis does not anticipate Applicant's claimed invention as set forth in amended Claims 1, 9 and 17. With respect to Claim 17, Applicant respectfully submits that it further claims "a set of receivers" a structure not taught by Curtis.

As such, Curtis does not anticipate amended Claim 1 or its dependents, amended Claims 2-6, nor does Curtis anticipate amended Claims 9 and 17 or their dependents, amended Claims 10-14, 18-19, and original Claim 20. Accordingly, Applicant respectfully requests consideration for and allowance of amended Claims 1, 9 and 17 and their respective dependents, amended Claims 2-6, 10-14, and 18-19 as well as original Claim 20.

***Claim Rejections – 35 U.S.C. § 103(a) – Claims 7, 8, 15 and 16***

In numbered paragraph 3, the Examiner rejected Claims 7, 8, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Curtis in view of Eichenberger (US Patent No. 4,930,182). It is said that:

While Curtis does not disclose the use of receivers, Eichenberger discloses a spring tensioning mechanism comprising receivers 62, wherein, to incorporate this teaching into the spring tensioning mechanism of Curtis for the purpose of facilitating the adjustment of the spring would have been obvious to one of ordinary skill in the art. As to the receiver being squared shape, inasmuch as there is nothing to indicate that the particular shape of the receiver is significant or is more than any one of numerous shapes one having ordinary skill in the art would have recognized for the purpose of accommodating various shaped tools, no patentable weight has been attributed thereto.

Applicant submits that because Curtis does not disclose or make obvious all the necessary elements as arranged in Claims 7, 8, 15 and 16, claims depending from amended Claims 1 and 9, Claims 7, 8, 15 and 16 are not obvious over Curtis or any combination of references thereon. Curtis does not teach or make obvious each and every element of amended Claim 1 or amended Claim 9, such as an axle supported by a support bracket (Curtis discloses an axle supported by an axle housing tube and the axle is free inside the bracket) or an inboard plate rotatable relative to the outboard plate.

As such, Curtis fails to render Applicant's invention obvious. The lack of obviousness cannot be overcome by combining Curtis with Eichenberger. Furthermore, there is no suggestion or motivation in Curtis to prompt one of ordinary skill to selectively and non-inventively order Curtis's elements as arranged in amended Claim 1 or amended Claim 9, nor is there a suggestion or motivation in Curtis to add the elements (e.g., set of receivers) set forth in Claims 7, 8, 15 and 16. As such, Applicant respectfully submits that Claims 7, 8, 15 and 16 are each patentably distinguishable over the art cited. Applicant respectfully requests consideration and allowance of original Claims 7, 8, 15 and 16.

Applicant also submits with this Amendment new Claims 21-26, claims believed to be necessary to fairly protect the instant invention. New claims 21-26 are believed to define patentably over the prior art of record in this application.

### Conclusion

In light of the amendments, remarks and arguments presented above, Applicant respectfully submits that the pending and amended claims are in condition for allowance. Applicant also submits new Claims 21-26 that are believed to be necessary to fairly protect the instant invention. New claims 21-26 are believed to define patentably over the prior art of record in this application. Favorable consideration and allowance of amended Claims 1-6, 9-14, 17-19, original Claims 7-8, 15-16, 20 and new Claims 21-26 are therefore respectfully requested.

Applicant submits herewith the fees for the new claims and hereby authorizes the Commissioner to charge any additional fees, other than the issue fee, that may be required by this paper to Deposit Account 07-0153, Gardere Wynne Sewell LLP.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Respectfully submitted,

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